

United States District Court
District of Massachusetts

IN RE CK LIQUIDATION CORPORATION,
f/k/a CADKEY CORPORATION,

Debtor,

ROBERT WHITE,

Appellant,

v.

JOHN A. BURDICK, JR., Trustee,

Appellee.

Bankruptcy Appeal No.
04-40208-NMG

AMENDMENT TO MOTION TO RECONSIDER

Amendment to Motion to Reconsider

Appellant, Robert White, Pro Se, asks this Court to consider his amendments to his Motion to Reconsider, submitted on September 22, 2005.

On page 3 of his Motion to Reconsider Appellant wrote:

Of the \$1,350,000 originally present, minus the \$737,000 actually spent by estate counsel, minus the \$250,000 defense fund, leaves the \$365,000 remaining in the estate revealed by Appellant.

Appellant amends his motion to read:

Of the \$1,350,000 *belonging to the estate after closing the sale*, minus the \$737,000 *charged* by estate counsel *(and the sales agent)*, minus the \$250,000 defense fund, *only* leaves \$365,000 in the estate *for unsecured creditors* as revealed by Appellant, *not the \$750,000 claimed by estate counsel at the November 6, 2003 sales hearing, and not the \$700,000 calculated by the Bankruptcy Court.*

On page 3 of his Motion to Reconsider Appellant wrote:

In regards to all the mistakes that estate counsel have made in representing the amount of dividend available and/or promised to unsecured creditors in this case, Appellant asks this Court to remand this case to the Bankruptcy Court for an immediate evidentiary hearing, without further discovery or delay, whereby Appellant would be afforded his "due process rights" to amend his complaint to conform to proof at that trial that estate counsel committed "mistake" by inaccurately reporting the dividend available to unsecured creditors, which the sale order was predicated upon.

Appellant amends his motion to read:

In regards to all the mistakes that estate counsel have made in representing the amount of dividend available and/or promised to unsecured creditors in this case, Appellant asks this Court to remand this case to the Bankruptcy Court for an immediate evidentiary hearing, without further discovery or delay, whereby Appellant would be afforded his "due process rights" *under Fed. Rule of Civil Proc. 15(b)* to amend his complaint to conform to proof at that trial that estate counsel committed "mistake" by inaccurately reporting the dividend available to unsecured creditors, which the sale order was predicated upon. *Appellant was denied his "due process rights" to amend his complaint to plead "mistake" under Fed. Rule of Civil Proc. 60(b), instead of "fraud", because the Bankruptcy Court did not allow a hearing of the evidence, and because the Bankruptcy Court erred in its calculation of the amount of the missing dividend, which is evident by this Court's similar miscalculations.*

Respectfully submitted on this 24th day of September , by


Robert White- Pro Se

United States District Court
District of Massachusetts

IN RE CK LIQUIDATION CORPORATION,
f/k/a CADKEY CORPORATION,

Debtor,

ROBERT WHITE,

Appellant,

v.

JOHN A. BURDICK, JR., Trustee,

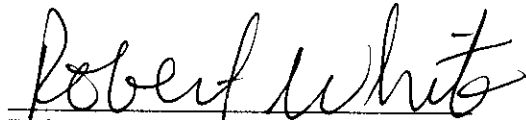
Appellee.

Bankruptcy Appeal No.
04-40208-NMG

CERTIFICATE OF SERVICE

I, Robert White, hereby certify that on this 24th day of September, 2005, I served a copy of Appellant's AMENDMENT TO MOTION TO RECONSIDER by mailing the same, postage prepaid to the parties identified on the following Service List.

September 24, 2005



Robert White - Pro Se
243 - A N. Maple Ave.
Manteca, CA 95336

Voice: (209) 825-6115

SERVICE LIST

Michael J. Goldberg, Esq.
Cohn, Whitesel, and Goldberg
101 Arch Street
Boston, MA 02110

James Wilton, Esq.
Ropes and Gray, LLP
One International Place
Boston, MA 02110

John Loughnane, Esq.
Gadsby Hanna LLP
225 Franklin Street
Boston, MA 02110

John A. Burdick Jr.
340 Main Street, Suite 800
Worcester, MA 01608

Office of the United States Trustee
Attn: Richard King, Esq.
Franklin Square Tower
600 Main Street, Suite 200
Worcester, MA 01608

Paul R. Salvage, Esq.
Bacon & Wilson, P. C.
33 State Street
Springfield, MA 01103